

REMARKS

Claims 1, 2, 6-15, 30-32, 36-43, 45, and 46 remain in the application for prosecution. Claims 1, 30, 31, and 45 have been amended.

35 U.S.C. §102 Rejections**Vilutis**

Claim 1 has been amended to recite that the polymeric bag comprises “a first panel and a second panel joined to each other along a pair of opposing sides and a closed bottom bridging the opposing sides.” Independent claim 30 is also directed to a combination of a polymeric bag and a container. Claim 30 has been amended to recite “a first layer and a second layer” that are joined by bag sides and “a closed bottom.” Independent claim 31 has been amended to recite a polymeric bag and container in combination, with the bag comprising “a first panel and a second panel joined to each other along... a closed bottom.” Independent claim 45 has been amended to recite the combination of a polymeric film bag and container, the bag comprising “a first layer and a second layer... joined by a pair of opposing bag sides and a straight, closed bottom.”

U.S. Pat. No. 4,558,801 to Vilutis (hereinafter “Vilutis”) is directed to a film liner “in the form of a sleeve.” The sleeve of Vilutis does not have a closed bottom. Both the top and the bottom of Vilutis are left open in order to fully line the box 36 as shown in Fig. 1. Vilutis would not be able to operate should it have a closed bottom as required by amended independent claims 1, 30, 31, or 45. For at least this reason, claims 1, 30, 31, and 45 should be found to be allowable over Vilutis.

Dependent claims 2, 10, 12, 13, 32, 36, 40, 42, and 46 all depend from either claims 1 or 31 and are thus believed to be allowable over Vilutis for at least the reason stated above.

Van Erden

Independent claims 1 and 31 require “a first narrowing seal extending inwardly and downwardly from near or at one of the pair of opposing sides.” U.S. Patent No. 4,759,642 to

Van Erden et al. (hereinafter “Van Erden”) is directed to a contoured bag that is designed to have chamfer seals, thus creating a square bottom bag. The seals of Van Erden do not extend “inwardly and downwardly from near or at one of the pair of opposing sides” as required by claim 1. On the contrary, the seal and the sides are in fact the same feature in Van Erden. See Fig. 2. Therefore, there is no way that the seal can extend “inwardly” from the side. It is impossible for something to extend inwardly from itself. Thus, claims 1 and 31 are believed to be allowable over Van Erden.

Independent claims 30 and 45 require having first and second narrowing seals, such that “the first and second narrowing seals initially extending from said bag sides and extending generally downwardly before extending back to said bag sides.” As stated above, because the seals of Van Erden are the sides of the bags, it is impossible for the seals of Van Erden to have such a configuration. The seals cannot extend from themselves, downwardly, and then back to themselves. For at least this reason, independent claims 30 and 45 are believed to be allowable over Van Erden.

Claims 6-8, 10-13, 36-38, 40-43, and 46 depend from either claim 1 or claim 31 and, for at least the reason stated above, believed to be allowable over Van Erden.

35 U.S.C. §103 Rejections

Wan

Amended independent claims 1, 30, and 45 now require “the second width adapted to be stretched over the bag engaging periphery of the trash can in order to allow the polymeric bag to grip the bag engaging periphery of the trash can,” “the second width adapted to be stretched over the bag engaging periphery of the container in order to allow the polymeric bag to grip the bag engaging periphery of the container,” and “the second width adapted to be stretched over the bag engaging periphery of the container in order to allow the polymeric bag to grip the bag engaging periphery of the container,” respectively. U.S. Patent No. 5,980,109 to Wan (hereinafter “Wan”) does not teach or suggest such a feature. Wan discloses a self-tied garbage bag and is directed to solving the problem of including a tie-strip for a garbage bag without adding any additional parts, which may be costly. The bag of Wan includes a thermal bond strip

that extends along a side of the bag. A tear line extends along the bond strip and is a rupturable separation line. Wan, col. 1, ll. 59-63. Wan does not disclose the use of a container or trash can, nor does Wan disclose how the second width functions with the bag engaging periphery of the trash can or container. For at least these reasons, independent claims 1, 30, 45 and their dependents, 6, 8 and 46 are believed to be allowable over Wan.

Wan was not applied to independent claim 31. Claim 31 has also been amended to recite that “the second width adapted to be stretched over the bag engaging periphery of the container in order to allow the polymeric bag to grip the bag engaging periphery of the container.” Thus, for at least the reasons stated above regarding claims 1, 30, and 45, claim 31 should be allowable over Wan if it were to be applied.

Vilutis, Van Erden, LaFleur or Wan

Claim 9 depends from claim 1 and claim 39 depends from claim 31. As discussed above, independent claims 1 and 31 are believed to be allowable over the applied references or any combination thereof. For at least the reasons stated above with respect to claims 1 and 31, claims 9 and 39 are also believed to be allowable.

LaFleur or Wan

Claims 14 and 15 depend from claim 1, which is believed to be allowable. For at least the reasons stated above with respect to claim 1, Claims 14 and 15 are believed to be allowable over the applied references or any combinations thereof.

Conclusion

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance over Vilutis, Van Erden, LaFleur, Wan, or any combinations thereof. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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